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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/332,886	06/15/1999	ROBERT A. LAZARUS	RU-0064	3466

7590 08/23/2005

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EXAMINER
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PAK, YONG D

ART UNIT	PAPER NUMBER
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1652

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

### **DETAILED ACTION**

This application is a continuation of 08/749,337, now issued as US Patent No. 5,912,161.

Claims 1-41 are pending.

### ***Election/Restrictions***

Applicant's election with traverse of Group I with a further election of mutant 2,5-DKG reductases having improved ability to convert 2,5-DKG into 2-KLG, in the reply filed on June 1, 2005 is acknowledged but is considered non-responsive. The traversal is on the ground(s) that since all claimed species function as a 2, 5-DKG reductases, a search and examination of all species can be made by the Examiner without serious burden. This is not found persuasive because, even though the species all have the same enzymatic activity, they have different structure and chemical/physical characteristics and properties, such as substrate specificity, thermostability, etc. Therefore, the search and examination of all species are not co-extensive and are burdensome to the Examiner.

Applicant's election is considered non-responsive. While applicant elected a group, applicant failed to properly elect a single species from the previous restriction of record. The restriction of record required an election of ONE mutant 2,5-DKG reductase sequence comprising a specific amino acid substitution selected from those recited in the claims if Group I is elected or ONE polynucleotide sequence encoding a mutant 2,5-DKG reductase comprising a specific amino acid substitution selected from

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those recited in the claims if Group II is elected. A proper response requires that the Applicant elect a single species.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Pak whose telephone number is 571-272-0935. The examiner can normally be reached 6:30 A.M. to 5:00 P.M. Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on 571-272-0928. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Yong D. Pak  
Patent Examiner 1652

A handwritten signature in black ink, appearing to read 'Rao Manjunath', is written over the printed name.

Rao Manjunath  
Primary Patent Examiner 1652